

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Structure and Practices of the Video Relay Service)	CG Docket No. 10-51
Program)	
)	
Telecommunications Relay Services and Speech-)	
to-Speech Services for Individuals with Hearing)	CG Docket No. 03-123
and Speech Disabilities)	

**COMMENTS OF
CSDVRS, LLC D/B/A ZVRS AND PURPLE COMMUNICATIONS, INC.**

EXECUTIVE SUMMARY

In response to the Further Notice of Proposed Rulemaking in this proceeding, CSDVRS, LLC d/b/a ZVRS (“ZVRS”) and Purple Communications, Inc. (“Purple”) urge the Commission to adopt two important improvements to Video Relay Service (“VRS”): (1) permanently authorize at-home call handling with rules that will enhance the value, efficiency and utility of at-home interpreting; and (2) permit VRS providers to offer service to new and porting users pending User Registration Database (“URD”) verification. These improvements will benefit VRS providers and users by expanding the pool of qualified interpreters and ensuring that eligible users experience no delays in receiving service as their URD registration is in process. ZVRS and Purple also urge in these comments that the Commission refrain from adopting log-in procedures for enterprise and public videophones that are not technologically feasible for all videophones, and would be excessively costly to implement. The high cost of the proposed log-in procedures are out of proportion with the extremely low risk of waste, fraud and abuse posed by enterprise and public videophones.

First, with respect to at-home call handling, ZVRS and Purple are the only participants in the Voluntary At-Home Pilot Program (“Pilot Program”) today and speak from experience in suggesting requirements for at-home interpreting going forward that will enhance the value of the program. In addition to making the program permanent, ZVRS and Purple encourage the Commission to retain Pilot Program requirements that ensure equivalent monitoring, supervision, and support for at-home and call center Communication Assistants (“CAs”). ZVRS and Purple also urge the Commission to refrain from adopting additional rules for at-home interpreting that will unnecessarily limit the benefits of at-home call handling. To this end, the Commission should: (1) remove the three-year experience requirement for at-home CAs, which is unnecessary to ensure interpreter qualifications; (2) eliminate the 30% limit on VRS minutes

handled at home and allow market forces to determine the appropriate balance of traditional and at-home calls handled; (3) require six-month reports only from VRS providers newly providing at-home interpreting; and (4) remove requirements for at-home-specific training and compliance certifications, allowing VRS providers to create a single training regimen for all CAs.

Second, ZVRS and Purple encourage the Commission to permit service to new and porting users pending URD verification. This improvement will, as the Commission predicted, ensure that “service to new and porting VRS users can be commenced efficiently and without undue delay or disruption of service, in order to facilitate competition and ensure the functional equivalence” of VRS.

Third, ZVRS and Purple ask that the Commission refrain from adopting log-in procedures for enterprise and public videophones that may not be technologically feasible for all deployed videophones, would be excessively costly to implement where possible, and would hinder efforts to lower research and development costs and improve interoperability. The risk of waste, fraud, and abuse related to enterprise and public videophones is low because ineligible users do not generally know ASL, and thus cannot use the service. For enterprise phones, the assignment of videophones to certain offices and individuals further minimizes this risk.

In view of this minimal risk, the Commission also should reject a technically complex solution, such as Neustar’s OAuth proposal, as a log-in mechanism. OAuth is an inefficient use of resources, particularly because many legacy videophones cannot be retrofitted to support the OAuth protocol. If the Commission elects to adopt a log-in requirement for enterprise and public videophones to mitigate a very limited risk to the TRS Fund, it should instead permit providers to employ less technically complex and costly mechanisms, such as requiring a user to input his or her phone number or certify his or her eligibility for VRS over IVR/IVVR.

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**COMMENTS OF
CSDVRS, LLC D/B/A ZVRS AND PURPLE COMMUNICATIONS, INC.**

CSDVRS, LLC d/b/a ZVRS (“ZVRS”) and Purple Communications, Inc. (“Purple”) (collectively, the “Companies”, and each, individually, a “Company”) hereby submit comments to the Federal Communications Commission (the “Commission”) in response to the Further Notice of Proposed Rulemaking (“FNPRM”) released on May 15, 2019.¹ The Companies make three suggestions in these comments. First, the Commission should, as proposed, permanently authorize at-home call handling, which will cement the benefits of the Voluntary At-Home Call Handling Pilot Program (the “Pilot Program”) for communications assistants (“CAs”), Video Relay Service (“VRS”) providers and users. ZVRS and Purple are the only participants in the Pilot Program today and can attest to the viability and effectiveness of at-home interpreting for all participants in the VRS ecosystem. Second, the Commission should permit VRS providers to offer service to new and porting users pending User Registration Database (“URD”) verification. Finally, the Commission should not adopt a burdensome log-in procedure for enterprise and

¹ *In the Matter of Structure and Practices of the Video Relay Service Program Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 10-51, 03-123, Report and Order and Further Notice of Proposed Rulemaking, FCC 19-39 (May 15, 2019) (“FNPRM”).

public videophones that is not technologically feasible for all videophones, and would be excessively costly to implement where possible. The risk of unauthorized use of VRS videophones in business and public spaces is exceedingly low for a variety of reasons, and thus does not justify the expense of the solution proposed. If the Commission elects to adopt a log-in requirement for enterprise and public videophones, it should permit providers to employ less technically complex and costly mechanisms.

I. THE COMMISSION SHOULD PERMANENTLY AUTHORIZE AT-HOME CALL HANDLING TO REINFORCE AND EXPAND THE BENEFITS OF THE PILOT PROGRAM FOR USERS, PROVIDERS, AND THE TRS FUND.

The Commission took many years to consider authorizing at-home call handling and has been understandably cautious in determining whether, when, and under what circumstances to authorize the practice. The Pilot Program has demonstrated that at-home call handling complies with the mandatory minimum standards for VRS and has clearly demonstrated the value of at-home call handling for users, providers, and the Fund. ZVRS and Purple, as the only participants in the Pilot Program today, believe that the regulatory certainty provided by permanent authorization of at-home call handling will allow VRS providers to further increase efficiencies and realize cost savings that will benefit providers and the Fund.

In addition to making the program permanent, ZVRS and Purple encourage the Commission to retain the Pilot Program requirements that ensure equivalent monitoring, supervision, and support for CAs at-home and in traditional call centers. Based on the experience of ZVRS and Purple in the Pilot Program, these requirements are important. The Commission should not, however, adopt rules for at-home interpreting that will unnecessarily limit the benefits of at-home interpreting. To that end, ZVRS and Purple ask the Commission to:

(1) remove the three-year experience requirement for at-home CAs because it is unnecessary to

ensure interpreters are qualified; (2) eliminate the 30% limitation on VRS minutes that can be handled at home and allow market forces to determine the appropriate balance of traditional and at-home handled calls; (3) require six-month reports only from VRS providers newly providing at-home interpreting; and (4) remove requirements for at-home-specific training and compliance certifications, allowing providers to create a single training regimen for all CAs.

A. The Commission Should Retain Most Pilot Program Requirements, With Some Modification.

Based on the experience of ZVRS and Purple in the Pilot Program, the following Pilot Program requirements would be helpful when the Commission permanently authorizes at-home call handling:

- VRS providers proposing to implement a *new* at-home call handling program should be required to submit a one-time “notification of intent to participate”² describing the means by which they will ensure that at-home call handling complies with the Commission’s mandatory minimum standards for VRS. Also, as described more fully below in Section I.D.1, the Commission should require only new at-home participants to submit two initial six-month reports providing information on their implementation of at-home call handling. These requirements ensure that participating providers have the necessary policies, procedures, and operational capabilities to handle calls in a compliant manner.
- Those providers who have already submitted an initial notification and received Commission approval to participate in the Pilot Program should be permitted to continue their at-home call handling programs without need for additional filings. The Commission has already reviewed and approved such providers’ processes for ensuring compliance with the mandatory minimum standards and the Pilot Program rules, which are likely to be more onerous than those applicable to the practice when it is permanently authorized.
- Monitoring and oversight obligations,³ including inspection of workstations, unique call center IDs for at-home workstations, and monitoring technologies should remain the same. These requirements continue to be necessary to ensure

² 47 CFR 64.604(b)(8)(i).

³ 47 CFR 64.604(b)(8)(vi)(A,B,C,E).

that monitoring and supervision of at-home CAs is equivalent to CAs at traditional call centers.

- The 5% random inspection requirement for at-home workstations⁴ should be retained at the current level because the 5% level has proven effective in the Pilot Program and requiring providers to conduct random inspections of a greater percentage of at-home workstations will become overly burdensome as the number of at-home CAs increases, with limited corresponding benefit.
- Technical and environmental safeguards⁵ also should remain the same, including requiring secure workstation locations, call-center-equivalent call handling technology, anti-eavesdropping equipment, and secure network connections, because these requirements ensure the confidentiality and quality of at-home-handled calls.
- The Commission should relax the requirement that at-home workstation locations must be restricted solely to one CA,⁶ instead allowing for scenarios where multiple CAs may share a workstation area within a home. This will permit multiple CAs to share a workstation area and rotate their at-home interpreting shifts. Each individual CA may not have, and would not need, a separate, secure location in their individual homes. This change will allow for job-sharing and expand the pool of available interpreters.
- The Commission should continue to require identification of each at-home workstation with a unique call center ID in monthly call detail record submissions.⁷ This information will combat waste, fraud, and abuse because anomalous usage can be easily detected by the TRS Fund Administrator.
- The Commission also should revoke a VRS provider's authorization to handle calls from at-home workstations where the provider's program has resulted in repeated, material noncompliance;⁸ provided, however, that in the event of revocation, the VRS provider must be afforded sufficient time to transition to call-center-only operations in order to avoid service disruption.

Reflecting each of the above suggestions in the rules when the Commission makes at-home VRS interpreting permanent will ensure a strong, continuing program for at-home call handling that will benefit at-home CAs, VRS users and providers, and the TRS Fund. ZVRS and

⁴ 47 CFR 64.604(b)(8)(vi)(E).

⁵ 47 CFR 64.604(b)(8)(v).

⁶ 47 CFR 64.604(b)(8)(v)(A).

⁷ 47 CFR 64.604(b)(8)(viii).

⁸ 47 CFR 64.604(b)(8)(ii).

Purple were pleased to participate in the Pilot Program and validate the importance of these requirements and safeguards.

B. A Three-Year Experience Requirement for At-Home CAs is Unnecessary to Ensure Interpreters are Qualified and Will Have the Unintended Consequence of Limiting the Available Pool of Interpreters.

ZVRS and Purple previously filed a request for waiver of the Section 64.604(b)(8)(iv)(A) of the Commission’s rules.⁹ This rule requires each CA handling calls through the Pilot Program to have at least three years of experience as a call center CA (the “Three-Year Requirement”). The Three-Year Requirement frustrates the goals of at-home interpreting by artificially limiting the pool of available interpreters, and is unnecessary in view of mandatory minimum standards that *all* CAs must be qualified. ZVRS and Purple employ stringent hiring practices for *all* CAs to ensure the proper qualifications, and a Three Year Requirement serves no purpose.

1. The Three-Year Requirement Frustrates the Goals of At-Home Call Handling by Artificially Constraining the Pool of Qualified Interpreters.

When authorizing the Pilot Program, the Commission recognized that “allowing VRS CAs to handle calls from at-home workstations offers several benefits, including increasing the pool of qualified interpreters.”¹⁰ However, imposing a Three-Year Requirement on at-home interpreters will do the opposite—it will artificially restrict the already short supply of qualified interpreters to those who have already worked in call centers for three years, and presumably live

⁹ Request for Expedited Limited Waiver of CSDVRS, LLC d/b/a ZVRS (“ZVRS”) and Purple Communications, Inc., CG Docket Nos. 10-51, 03-123 (filed Dec. 11, 2018).

¹⁰ *Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 10- 51, 03-123, Report and Order, Notice of Inquiry, Further Notice of Proposed Rulemaking, Order, FCC 17-26, paras. 48-50 (2017) (“2017 VRS Improvements Report and Order”).

close enough to call centers to be employed there, excluding many qualified interpreters that may live in remote areas.

VRS providers have long acknowledged that the pool of qualified interpreters is small. The Companies have found that the pool of potential interpreters that can staff traditional call centers is typically geographically limited to the area within a reasonable commuting distance from a call center. Moreover, as call volumes grow, it is necessary to hire additional interpreters to maintain optimal service quality and, in particular, meet or exceed the average speed of answer requirements for VRS users.¹¹ The Companies have found that demand for qualified CAs can outpace the supply of qualified CAs within the hiring “zone” around traditional call centers. A Three-Year Requirement hamstrings a VRS provider’s ability to respond to increased demand for qualified CAs by restricting the pool of candidate CAs to those who have already worked in, and therefore live in close proximity to, traditional call centers. This is not expanding the pool, it is limiting the pool.

Indeed, there are significant numbers of qualified interpreters located in mostly rural areas, away from traditional call centers, that are technically proficient and already working as interpreters in the deaf community, but lack the experience of working in a call center merely because there are no nearby call centers to employ them. ZVRS and Purple want to employ these qualified interpreters. Elimination of the Three-Year Requirement will allow VRS providers to evaluate and hire these types of qualified candidates throughout the country, whether or not they live near and have worked in call centers before.

¹¹ See 47 CFR § 64.604(b)(2)(i) (requiring providers to “ensure adequate TRS facility staffing to provide callers with efficient access under projected calling volumes”).

2. The Three-Year Requirement is Not Necessary to Ensure CAs Are Qualified, or Maintain Quality of Service.

The Commission's mandatory minimum standards for VRS already require that all CAs are "qualified."¹² At-home CA workstations replicate the call-center environment in all material respects, save for the physical presence of a supervisor. Supervision is enabled in the at-home environment through a variety of means, including real-time chat, other communications channels, and the use of remote monitoring cameras. Supervisors are as readily available to monitor and assist at-home CAs with questions as supervisors are in traditional call centers. At-home CAs similarly reach customer care and technical support through exactly the same means as CAs sitting in call centers.

In addition, the Companies have developed extensive training, already delivered to all CAs today, that prepare new-to-VRS interpreters to handle VRS calls. The Companies also rigorously screen all potential applicants using each Company's internal qualification assessment. The result of this stringent hiring practice ensures the Companies only hire qualified interpreters and ensures that each Company delivers high-quality service. In view of all the screening CAs are subjected to when hiring, and the training that follows, excluding otherwise-qualified interpreters from VRS call handling simply because they haven't provided interpreting service in a call center for three years does not further any VRS objectives. The Commission should provide equal treatment and opportunity for all qualified interpreters, whether they have had the ability and proximity to work in a VRS call center in the past, or not.

¹² 47 CFR § 64.604(a)(1)(i).

C. VRS Minutes Handled At Home Should Not Be Limited to 30% of a Provider's Overall Minutes; Market Forces Should Determine the Appropriate Balance of Traditional and At-Home Handled Calls.

As the Commission recognizes in the FNPRM, VRS calls can be handled at home “without significantly increasing the risk of waste, fraud, and abuse or otherwise impeding the objectives of section 225.”¹³ ZVRS’s and Purple’s experience in the Pilot Program confirms that, with appropriate monitoring and supervision, at-home call handling does not present any greater compliance concerns than calls handled at traditional call centers. The Companies’ periodic reports submitted to the Commission during the Pilot Program indicate that at-home CAs and call center CAs receive user complaints and commendations at a similar rate. Additionally, those same reports show that at-home CAs and call center CAs perform similarly, spending similar time setting up and wrapping up calls, answering a similar percentage of calls offered, and achieving a similar average speed of answer.

An arbitrary 30% limitation on the percentage of VRS minutes that can be handled at-home will limit a provider’s ability to hire and deploy at-home call handling as market conditions allow and demand. Such a limitation would undermine a providers’ flexibility to hire as many qualified at-home CAs as are available and take advantage of the related cost efficiencies. If, as the Commission suggests, VRS calls can be handled at home “without significantly increasing the risk of waste, fraud, and abuse,” then there should be no artificial constraint on the percentage of such minutes codified in the rules.¹⁴ Market force, and the availability of qualified CAs, should be the only limitation on at-home minutes.

¹³ FNPRM at para. 54.

¹⁴ See FNPRM at para. 54.

D. The Commission Should Require Six-Month Reports Only From Providers Newly Providing At-Home Interpreting and Should Consider Harmonizing Information Publication and Data Retention Requirements for At-Home and Traditional Call Centers.

The success of the Pilot Program demonstrates that VRS calls can be handled from at-home workstations in a manner that complies with the Commission's mandatory minimum standards. The six-month reports associated with the Pilot Program¹⁵ are intended to ensure that a provider's new at-home call handling capability is compliant with the Commission's mandatory minimum standards and the goals of functional equivalence. For new providers participating in at-home call handling, with yet unproven at-home programs, the six-month reporting requirement continues to have value to the Commission and VRS users. However, ZVRS and Purple already developed a positive track record, providing 18 months of reporting on its at-home experience, with another report covering an additional three months to be submitted next month. Particularly for ZVRS and Purple, in view of their experience in the program to date, there is no need to subject all providers to continuing reporting, information publication, and data retention obligations that are more onerous than the requirements applicable to traditional call centers. In general, the Commission should seek to eliminate administrative burdens where there are no corresponding benefits to VRS users or the TRS Fund.

1. There Is No Need to Require VRS Providers Participating in the Pilot Program to Submit Detailed Reports on At-Home Call Handling Every Six Months, as These Providers Have Demonstrated the Compliance and Efficacy of Their At-Home Call Handling Programs.

When the Pilot Program was authorized, the Commission established a one-time, detailed reporting requirement that resulted in collection of a wealth of detailed information from ZVRS

¹⁵ 47 CFR § 64.604(a)(1)(ix).

and Purple.¹⁶ As the Pilot Program was extended to permit a decision on whether to permanently authorize at-home call handling, these reporting obligations were also extended for ZVRS and Purple. Collecting and analyzing the data required for these reports was costly for ZVRS and Purple because it required custom data queries and collection of various inputs on nearly all aspects of the VRS business from across each organization. The Companies understood, however, the importance of the data to the overall goal of the Pilot Program: to develop a record of at-home call handling performance and compliance.

When the Commission makes at-home call handling permanent, it should exempt current participants in the Pilot Program from further six-month reporting requirements, and only require these reports from VRS providers that are newly providing at-home interpreting. In the view of ZVRS and Purple, if the Commission has determined that at-home call handling can deliver high-quality service in compliance with the Commission's rules, based on the performance of ZVRS and Purple, then the six-month reports have served their purpose for ZVRS and Purple – demonstrating a track record of performance and compliance over two years once Pilot Program-related reporting is complete. The burden of producing these reports for current Pilot Program participants in the future will outweigh any residual value these reports may have, particularly when other existing reporting obligations are sufficient to deter and detect fraud, waste, and abuse in at-home call handling.¹⁷ For new at-home participating providers however, these reports are an important tool in monitoring an emerging at-home capability, as they were with ZVRS and Purple during the Pilot Program, and should be retained such that new providers

¹⁶ 47 CFR § 64.604(a)(1)(ix).

¹⁷ In each monthly request for reimbursement, VRS providers already submit detailed information on minutes handled by at-home CAs, including a unique call center ID number, and supervisory information. 47 CFR § 64.604(a)(1)(vii). Additionally, providers submit annual complaint logs to the Commission, which will enable the Commission to detect any significant decreases in the quality of service due to at-home call handling. 47 CFR § 64.604(c)(1)(ii).

submit two six-month reports to ensure their implementation of at-home call handling is compliant and effective.

2. There Is No Need to Publish Information Focused on At-Home Call Handling, as the User Experience is the Same For Calls Handled At-Home and in Traditional Call Centers.

The FNPRM also asks whether the Commission should make public any information that is submitted by providers with respect to at-home call handling.¹⁸ In the view of ZVRS and Purple, any detailed information that is reported with respect to at-home call handling should not be made public to a greater extent than other information reported by the TRS Fund Administrator in its annual reports. VRS is a competitive marketplace and sensitive information on the business operations and performance of providers can, and likely will, be used by other providers to gain a competitive edge. For example, as the Commission queries whether survey responses should be made publicly available, these survey responses will likely contain detailed information about the internal operations at a given provider that a competitor could use to tailor its business strategy to exploit this information. If these reports are to be made public, providers may be dissuaded from using surveys to assess the program, removing what can be an important source of information as an at-home call handling capability is developed.

Additionally, the type of information contained in the six-month reports, if retained, or monthly reports, would not be valuable to consumers. The goal of at-home interpreting is for the user to be unable to distinguish whether their call is handled at-home or from a traditional call center, because each type of CA provides high-quality service. As the Commission observes, this goal is being achieved.¹⁹ Therefore, spending Commission or provider resources anonymizing

¹⁸ FNPRM at para. 53.

¹⁹ FNPRM at para. 41 (“We note as well that during the pilot period, VRS consumers have not reported any difference in call quality to the Commission.”).

or redacting survey responses or other information specific to at-home call handling in order to provide this type of information to consumers does not have a clear benefit. Given the competitive concerns described above, the Commission should not publicly release detailed information on at-home call handling submitted by providers.²⁰

3. There Is No Need to Impose Burdensome, Redundant Data Retention Obligations on Providers Participating in At-Home Call Handling.

The Commission should also harmonize at-home call handling data retention requirements with those for VRS generally. Specifically, the Commission should remove the requirement to “keep all records pertaining to at-home workstations, including the data produced by any at-home workstation monitoring technology, except for any data that records the content of an interpreted conversation, for a minimum of five years,”²¹ or at a minimum reduce the retention requirement to one year. As at-home stations increase in number, the data produced by these stations also increases, and the retention of this data becomes more costly and burdensome. Given the largely overlapping obligation to “retain the data required to be submitted, and all other call detail records, other records that support [a provider’s] claims for payment from the TRS Fund, and records used to substantiate the costs and expense data submitted in the annual relay service data request form, in an electronic format that is easily retrievable, for a minimum of five years,”²² the at-home-specific data retention requirement should be eliminated or reduced to ease redundant administrative burdens.

²⁰ To the extent that review of confidential information submitted in the proceeding is necessary, the Commission has already struck the appropriate balance between public participation and confidentiality of information by issuing several protective orders in this proceeding, with the requisite limits on access to and distribution of confidential information.

²¹ 47 CFR 64.604(b)(8)(vi)(D).

²² 47 CFR 64.604(c)(5)(iii)(D)(7).

E. The Commission Should Not Mandate At-Home-Specific Training for At-Home CAs and Eliminate the Requirement to Obtain At-Home-Specific CA Compliance Certifications.

ZVRS and Purple feel strongly that the Commission should not mandate that at-home CAs receive different training than call center CAs. Due to the similarity in at-home and traditional workstations, supervision and CA support, separate training is unnecessary. At ZVRS and Purple, at-home workstations are nearly a replica of workstations at traditional call centers with additional monitoring equipment, and all newly-hired CAs are required to complete a rigorous training course. There are some minor but important differences in at-home call handling, such as the use of monitoring equipment, locked doors, and sound machines, but these differences can easily be covered in the general training delivered to all CAs. Allowing for a single training program will enable providers to provide consistent, high-quality training to all CAs and reduce administrative burdens associated with dual training tracks.

Additionally, all CAs, regardless of where calls are handled, are subject to the Commission's mandatory minimum standards and each provider's internal policies, manuals, and other expectations. Thus, a certification requirement specifically for at-home CAs²³ is unnecessary and will only serve to distinguish at-home CAs from call center CAs. The goal should be integrating all CAs wherever possible to ensure that all calls are handled in the same manner, in compliance with the mandatory minimum standards, regardless of whether a CA sits in a traditional call center or at an at-home workstation. Different standards, different requirements, for at-home and call center CAs, and different reporting for at-home and call center VRS services, will inherently lead to inefficiencies and compromise the goals of at-home

²³ 47 CFR 64.604(b)(8)(iv)(E).

interpreting. These differences are unnecessary given that the Commission acknowledged that at-home call handling is effective and compliant.²⁴

II. THE COMMISSION SHOULD ENABLE PROVIDERS TO OFFER SERVICE TO NEW AND PORTING USERS PENDING URD VERIFICATION TO AVOID UNNECESSARY AND DISRUPTIVE DELAYS IN SERVICE TO ELIGIBLE VRS USERS.

As the Commission has concluded, allowing VRS providers to offer service to new and porting users pending URD verification, and receive compensation for these calls for up to two weeks while verification is pending, will “ensure that service to new and porting VRS users can be commenced efficiently and without undue delay or disruption of service, in order to facilitate competition and ensure the functional equivalence of” VRS.²⁵

As stated in the Joint Petition for waiver filed by five VRS providers, including ZVRS and Purple, denying service until a new user has been verified through the URD would have adverse effects, including denying the user the ability to place non-compensable point-to-point calls; delaying VRS access to health care, community, and social services; and denying the ability to make 911 calls to the extent that no videophone may be provided until after verification.²⁶ For porting users, this denial or loss of service could occur without any change in the deaf users’ identifying information, but due to variances in the Lexis/Nexis database.

The rule change would allow new and porting VRS users to receive uninterrupted VRS service without presenting an increased risk of waste, fraud, and abuse because calls are only compensable if the user is ultimately verified. The Commission should move forward as proposed in the FNPRM.

²⁴ See FNPRM at para. 54.

²⁵ FNPRM at para 55.

²⁶ Joint Petition of VRS Providers for a Waiver, CG Docket Nos. 10-51 and 03-123 (filed June 20, 2018).

III. THE COMMISSION SHOULD NOT ADOPT NEUSTAR’S PROPOSED LOG-IN PROCEDURES FOR ENTERPRISE AND PUBLIC VIDEOPHONES; THIS REQUIREMENT IS NOT NECESSARY TO ENSURE VRS IS USED ONLY BY ELIGIBLE USERS AND, AS PROPOSED, IS NOT TECHNICALLY FEASIBLE FOR ALL VIDEOPHONES.

The Commission should not adopt the proposed enterprise and public videophone log-in requirement because it is a very costly “solution” in comparison to the extremely low risk of waste, fraud, and abuse at enterprise and public videophones. Ineligible users generally do not know ASL and therefore are not able to successfully use public videophones. For enterprise phones, the risk is even lower because the enterprise often locates videophones in certain offices or assigns them to certain individuals. Given this minimal risk, the high cost of implementing a technically complex solution, such as Neustar’s OAuth proposal, is not an efficient use of resources, particularly where many legacy videophones cannot be retrofitted to support an OAuth protocol. If the Commission determines that some action must be taken to mitigate this very limited risk to the TRS Fund, the Commission should instead permit providers to implement less costly mechanisms, such as requiring a user to input his or her assigned ten-digit number or certifying eligibility for VRS over IVR/IVVR.

A. A Special Log-in Requirement for Enterprise and Public Videophones is a Solution in Search of a Problem.

As an initial matter, a public and enterprise log-in requirement will be of limited value in deterring waste, fraud, and abuse because the likelihood of fraud by ineligible users is minimized in VRS, where an interpreter has a face-to-face interaction with a caller. As the Commission has recognized, “given that most hearing people are not fluent in ASL, it will usually be obvious to

the CA if an individual placing a call from such a videophone is ineligible to use VRS.”²⁷

Additionally, with regard to enterprise videophones, the risk of waste, fraud, and abuse is especially slim in an office environment, including private workspaces. An enterprise is unlikely to incur costs associated with setting up videophones unless it has an employee or customer who has a legitimate need and is eligible for VRS.

Furthermore, given the upcoming enterprise URD requirements,²⁸ the need for an individual log-in is further reduced because URD will contain detailed information on the enterprise, more easily facilitating the tracking of anomalous usage and resolving these issues if they ever were to arise.

1. Many Enterprise Devices Will Not Support an OAuth or Similarly Structured Log-in Requirement; If a Log-in Requirement is Adopted, the Commission Must Exempt these Devices.

The proposed OAuth log-in procedures will not be feasible from an engineering standpoint for certain hardware devices that are currently in use. Many ZVRS and Purple enterprise users have deployed devices that cannot be updated to include a web browser or other functionality necessary for OAuth. Some enterprises have deployed VRS devices that are not supplied by ZVRS or Purple and the Companies are therefore unable to upgrade the device software. To the extent that any log-in requirement is adopted, the Commission must exempt videophones that cannot support a web browser and thus cannot implement an OAuth-based log-

²⁷ As the Commission has recognized, “given that most hearing people are not fluent in ASL, it will usually be obvious to the CA if an individual placing a call from such a videophone is ineligible to use VRS.” 2017 VRS Improvements Order at para. 119 note 278.

²⁸ *In the Matter of Structure and Practices of the Video Relay Service Program Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 10-51, 03-123, Report and Order and Further Notice of Proposed Rulemaking, FCC 19-39, paras. 25-32 (May 15, 2019).

in requirement. If the Commission does not, the costs to implement the requirement will even further exceed the potential benefits, as described more fully below.

2. The Very Limited Benefits of Implementing a Log-in Requirement for Public and Enterprise Videophones is Greatly Outweighed by the Cost to Implement Such a Solution.

If a log-in requirement is adopted, providers will be forced to create, test, and deploy an OAuth authorization server and then modify and test videophone software for those devices on which updates can be deployed. These efforts will be costly and outweigh the minimal benefits of the requirement. Additionally, as described above, where enterprise videophones cannot be upgraded, providers would have no choice but to replace the entire videophone suite at each enterprise. Not only would this be extremely costly from a device perspective, but these devices are also tied into the enterprise systems at each organization. Replacement of the devices would require custom work with each enterprise to ensure that new OAuth-capable devices can integrate with their networks and other systems and are compatible with the enterprise firewalls and network security systems.

Additionally, certain government customers may be reluctant to replace devices that have been custom configured with encryption or other security features and thoroughly tested by the respective IT departments. At a minimum, these agencies will need to test any new hardware to ensure it meets their security standards, which could take months, if not years, to the detriment of their deaf employees. Because VRS providers have little control or influence over these government security processes, the proposed OAuth log-in requirement could effectively remove these deaf employees' rights to access telecommunications in the workplace, harming their productivity, with potential impacts on longer-term career advancement. Given the already low

risk of waste, fraud, and abuse from enterprise phones, more fully described above, the cost of implementing a log-in requirement for these legacy devices far outweighs any potential benefit.

3. The Proposed Measures Would Hamper Efforts to Increase Interoperability and Divert Limited Resources for Research and Development to Further Improve VRS.

Spending time, effort and resources on implementing an enterprise and public videophone log-in requirement will divert research and development resources that would otherwise be dedicated to improving service and features – each provider would be required to implement custom OAuth solutions for each device-type. Most, if not all, devices in service do not natively support OAuth. This would further move providers away from off-the-shelf devices and implementations for which interoperability is much easier to ensure. Additionally, because devices would have to be custom-built to support OAuth, a log-in requirement would have the effect of limiting a provider's selection of equipment vendors in the future and could increase equipment costs further. At a minimum, provider costs for equipment and research and development would increase with little corresponding benefit.

B. If the Commission Proceeds with an Enterprise and Public Videophone Log-in Requirement, the Commission Should Adopt an Alternative Requirement that Allows the User to Certify Eligibility through IVR/IVVR.

If the Commission remains concerned about waste, fraud, and abuse from ineligible users using enterprise and public videophones, the Commission can require a less technically complex solution than Neustar's proposed OAuth implementation that will provide the same level of protection against fraud. The Commission should allow providers to address the limited possibility of fraud over enterprise and public videophones through means such as allowing a user to input their telephone number to verify their identity, or certifying their eligibility for VRS through IVR/IVVR. Either of these solutions would ensure that only eligible users use these

public and enterprise videophones and would require far less development and device costs to support this requirement. The possibility of an ineligible user knowing a VRS-associated telephone number, or being able to use ASL to certify eligibility over IVR/IVVR, is so remote that the vastly greater expense to implement technically complex systems that *could* mitigate these hypothetical scenarios, such as the proposed OAuth implementation, is an inefficient use of resources.

The use of IVR/IVVR to verify enterprise or public videophones would greatly accelerate and lower the cost of implementing a log-in requirement for enterprise and public phones because development work need only be done on each provider's platform, rather than developing and deploying new code for each endpoint type. For example, the general call flow goes from a customer endpoint, to the VRS platform, where the call is answered and a CA is assigned. The OAuth proposal implements a technically complex log-in requirement at the endpoint stage of the call flow, which is made significantly more difficult because of the many years of different devices deployed in each VRS ecosystem. By instead placing the log-in mechanism on the platform side through IVR/IVVR, providers need only adjust processes already in place on the platform to allow log-in information to be collected through IVR/IVVR.

IV. CONCLUSION

The Commission should, as proposed, permanently authorize at-home call handling to allow the benefits of the Pilot Program to grow. The Commission should do so in a manner that retains useful Pilot Program requirements, while eliminating burdensome reporting obligations for Pilot Program participants that are no longer necessary given these providers' proven track record of at-home interpreting and other VRS reporting obligations. Additionally, as proposed,

the Commission should permit providers to provide service to new and porting users pending URD verification to avoid undue delays and disruptions in service to eligible users.

Finally, the Commission should not adopt a burdensome OAuth requirement to support log-in procedures for enterprise and public videophones. This “solution” is not technologically feasible for all videophones, would be excessively costly to implement where possible, and will divert resources away from more important research and development efforts. If the Commission is to adopt a log-in requirement for enterprise and public videophones, it should permit less technically complex and costly mechanisms.

Respectfully submitted,

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